8 - 4 MAJOR MODIFICATIONS OF RADIOACTIVE WASTE FACILITY

ISSUE: **Should the Radiation Control Act (UCA 19-3) be amended to clarify provisions that require submission of a new application when major modifications are made to a commercial radioactive waste facility? (See UCA 19-3-105(2))c)(ii))**

RECOMMENDATION:
Change the Radiation Control Act, modifying Section 19-3-105(2)(c)(ii) as follows:

Section 19-3-105(2)(c)

(ii) an application for amendment of a commercial radioactive waste license for transfer, storage, decay in storage, treatment, or disposal facilities, including incinerators, if the construction would costs 50% or more of the cost of construction of the ~~original~~ existing transfer, storage, decay in storage, treatment or disposal facility or the modification would . . . .

BACKGROUND:
There are certain instances where department staff must determine whether the "new license application" process—consisting of local planning and zoning approval, DEQ siting and licensing application approval, and legislative and gubernatorial approval—is triggered. In the Radiation Control Act, these provisions are outlined in UCA 19-3-105 (2)(c)(i)-(iii), and include (i) submission of a revised application in a different geographic area, (ii) certain levels of construction activities, and (iii) any proposal to accept Class B and C low-level radioactive waste. The provision in 19-3-105(c)(2)(ii) is confusing because of the sentence "if the construction would exceed 50% or more of the **original** (emphasis added) transfer, storage, decay in storage, treatment, or disposal facility. . . ." Department staff cannot determine the cost of the original facility (e.g., Envirocare in 1988) but could evaluate whether a proposal exceeds the cost or capacity of the existing facility (e.g. Envirocare in 2003). This wording change would clarify this provision.